

Section 1410 - Impounding of Unoccupied Vehicles Found To Be In Violation

1410.01 Unoccupied Vehicles May Be Impounded. Any unoccupied vehicle wherever found in the City violating the provisions of Section 1400 of this Code or otherwise subject to removal pursuant to Section 1400 of this Code may be immediately removed and impounded by any police officer in the manner provided in this Section and shall be surrendered only to the duly identified owner upon the payment of the fees as set forth in Section 185 of this Code.

1410.02 Pound Keeper, Towing and Storage Bids and Charges. The Manager may advertise for bids by persons, desiring to act as pound keepers of vehicles impounded under this Section or may, without advertising for bids, designate persons, who meet the requirements of this Section, to act as such pound keepers. The pound keeper must obtain or provide adequate facilities and equipment, within or near the City, to handle the tows and the storage of vehicles requested by the City. Towing service must be available at any hour and response to requests must be prompt. Each pound keeper shall provide a schedule of charges for the towing, storage and impoundment of vehicles impounded under the provisions of this Section. A copy of this schedule shall be on exhibit in the Police Department. The Manager reserves the right to reject all bids and to terminate at any time, with or without cause, any pound keeper the Manager designates under the provisions of this Section. Pound keepers designated by this Section shall not solicit, directly or indirectly, the impounding and towing of vehicles under this Section, and shall provide such impounding or towing services only as directed by the Police Chief.

1410.03 Charge When Owner Appears Before Towing. When a police officer has ordered a vehicle to be impounded, and when the owner or operator appears prior to the time the vehicle has been towed to the pound, the tow truck operator shall release the vehicle without the payment of any fee or towing charge.

1410.04 Police Department to Notify Owners. Upon receiving ownership records from the Commissioner of Public Safety, the Police Department will endeavor to notify, by telephone or by letter, record owners of unclaimed impounded vehicles within a reasonable time of the impoundment.

1410.05 Storage of Impounded Vehicles. Any impounded vehicle, from the time the pound keeper takes possession and during impoundment and until it is released to the owner, shall be considered to be in the custody of the City. No work shall be done on it by the pound keeper, nor shall the pound keeper permit anyone to do any work on it, except the impounding and storage by an employee or agent, until the car has been released to the owner. Only the impounding and storage fees shall be charged when such cars are released to the owner. The pound keeper shall not permit the owner or any other person to take or remove from an impounded vehicle any part or change or repair any part. All vehicles which have been involved in criminal proceedings, and which are designated by the Police Department as being held for that reason, shall be held and stored in a City storage facility.

1410.06 Damaged Vehicles. If any unoccupied vehicle is found upon the streets of the City in such a damaged condition as a result of accident or disrepair that it cannot be driven, and is so located as to constitute an obstruction of the street, the vehicle may be ordered impounded by a police officer. If the owner or operator has requested, or does request, that the vehicle be towed to the owner's or operator's own garage or to any garage other than the pound keeper's, neither the

pound keeper nor the police officer, nor anyone else shall order the vehicle to be impounded in any public pound unless the police officer (i) considers possession of the car is necessary to prosecute any person for violation of law or (ii) immediate removal of the vehicle is necessary to ensure public safety.

1410.07 Sale of Vehicle Where Owner Cannot Be Identified. If any vehicle is found or recovered under circumstances which do not give the Police Department or the pound keeper knowledge or means of inquiry as to the true owner, the Police Department shall immediately report the fact in writing to the Clerk. If the Clerk believes the value of the vehicle justifies giving notice of sale of the vehicle as unclaimed property under Section 155 of this Code, the Clerk shall give notice and sell the vehicle as unclaimed personal property under Section 155 of this Code accounting for and depositing the proceeds of sale with the Treasurer.

1410.08 Reports of Police Officer. It shall be the duty of the police officer to make an Automobile Impoundment Report on all impounded vehicles. This report shall give the description of the vehicle with an inventory of any personal properties visible at the time of impoundment. The description and inventory must include the make and license number of the motor vehicle and a statement of the condition of damaged parts. The report shall include the date, time, location and reason for impoundment and any further information which the Police Chief shall deem necessary and advisable. The original and one copy of the Automobile Impoundment Report will be retained by the Police Department, and two copies will be delivered to the pound keeper. Traffic citations may be issued by the police officers for violations of law which resulted in the towing and impoundment of a vehicle.

1410.10 Liability and Property Damage Insurance. The pound keeper must carry liability, property damage and fire insurance coverage with an insurance company acceptable to the Manager licensed to do business in the State, in amounts of not less than \$100,000 for injury or death of any one person and not less than \$300,000 for total injury or death in any one accident, and not less than \$50,000 property damage coverage. The pound keeper shall furnish and file with the Clerk a certificate of such insurance, which shall contain a clause providing for a ten day notice to the City before modification or cancellation. If the bond or insurance policy is cancelled, the pound keeper, before the cancellation date, shall furnish and file a similar new certificate. Failure to comply with the provisions of this Subsection shall automatically cancel the contract as of the cessation date of such insurance coverage.

1410.11 Section to be Included in Bid. This Section shall be a part of any bid approved by the Manager and of any contract entered into by the City with any pound keeper, and shall be deemed agreed to by any pound keeper designated by the Manager when the pound keeper tows any vehicle pursuant to this Section, as fully and to the same effect as if set forth in the bid or contract or made a part of a written contract with the designated pound keeper. If a contract is entered into, and if any part of any contract entered into shall be inconsistent with the terms of this Section, the provisions of this Section, in all respects shall prevail.

History: Ord 1403 codified 1970; amended by 1403-A1 12-14-83

Cross Reference: Sections 155, 185